



DONALD L. WOLFE, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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October 27, 2005

IN REPLY PLEASE

REFER TO FILE: **MP-5**

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION TO VACATE A PORTION OF
ROSEBERRY AVENUE, A PORTION OF ALLEY EAST OF
COTTAGE STREET AND ALLEY EAST OF ALAMEDA STREET
WALNUT PARK - FUTURE PUBLIC HEARING
SUPERVISORIAL DISTRICT 1
3 VOTES**

AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt the enclosed Resolution to Conditionally Vacate a portion of Roseberry Avenue, a portion of Alley east of Cottage Street and Alley east of Alameda Street, pursuant to Section 8324 of the Streets and Highways Code, after finding that:
 - a. The vacation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
 - b. The areas proposed to be vacated are no longer needed for present or prospective public use and are not useful as nonmotorized transportation facilities.
2. Upon approval, authorize Public Works to record the certified original Resolution in the Registrar-Recorder/County Clerk's office.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Primestor Development, Inc. (PDI), on behalf of Florence Alameda Assoc., LLC, one of the underlying fee owners requested this vacation to remove from the record County

interest and public easement rights within the proposed vacation areas. PDI proposes to merge the vacated areas into the redevelopment project La Alameda, a proposed regional shopping center, at the corner of Florence Avenue and Alameda Street. Vacation and abandonment of the rights of way provide additional buildable area to the proposed shopping center.

It is in the County's interest to vacate these rights of way. The proposed redevelopment project will help support the community's interest by creating access to commerce activities in the area. Vacation/closure of a portion of Roseberry Avenue and the alleys will have minor impact on traffic circulation and will not cut off access to adjacent properties or negatively impact the surrounding properties.

Implementation of Strategic Plan Goals

This action meets with the County Strategic Plan Goal of Service Excellence. By vacating and allowing the street and alleys to merge with the adjoining properties, the development will help improve the quality of life of the residents in the immediate area. This action is also consistent with the County Strategic Plan Goal of Fiscal Responsibility as the vacation of a portion of Roseberry Avenue, a portion of Alley east of Cottage Street and Alley east of Alameda Street reduces County maintenance cost and financial liability.

FISCAL IMPACT/FINANCING

Vacation of the street and alleys will not have a negative fiscal impact on the County's budget. A fee of \$2,000 has been paid by the petitioner to defray the expenses of investigation, mailings, publications, and posting. The fee is authorized by your Board in Resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321 (d) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The areas to be vacated contain approximately 57,040 square feet and are shown on the map attached to the Resolution. The road rights of way to be dedicated to the County have an area of approximately 6,233 square feet.

The County's interest was acquired by dedication in deeds recorded on April 17, 1936, as Document No. 1186, in Book 14105, page 99; as Document No. 1187, in Book 14031, page 304; as Document No. 1188, in Book 14024, page 332; as Document No. 1189, in Book 14114, page 61; as Document No. 1190, in Book 14084, page 142;

as Document No. 1191, in Book 14072, page 208; May 20, 1988, as Document No. 88-810504; and July 26, 1982, as Document No. 82-749355 and by maps of Tract No. 30326, filed on August 9, 1972, in Book 819, page 41, of Maps; Geo J. Nadeau Tract, recorded in Book 7, page 73 of Maps; Rem Nadeau Tract, recorded in Book 6, page 71, of Maps; Rem Nadeau Tract No. 2, recorded in Book 8, page 19, of Maps and Walter A. Nadeau Tract, recorded in Book 10, page 188, of Maps, all on file in the Registrar-Recorder/County Clerk's office of the County of Los Angeles as easements for alley or street and highway purposes.

The vacation of the street rights of way will be subject to the following conditions:

1. That Florence Alameda Associates, LLC (FAA), the underlying fee owner, dedicates sufficient right of way to construct to the satisfaction of the Director of Public Works the following:
 - a. Curb returns at the intersection of Florence Avenue with Roseberry Avenue
 - b. A knuckle at the intersection of Roseberry Avenue with Walter Street
 - c. A cul-de-sac at the southerly terminus of Roseberry Avenue
 - d. A cul-de-sac at the westerly terminus of Leota Street
2. That FAA dedicates 3 feet of right of way on the west side of Roseberry Avenue (28 feet from the centerline), from Florence Avenue to the end of the proposed cul-de-sac (approximately 640 feet).
3. That FAA repairs and constructs curbs, gutters, and sidewalks to County standards damaged during construction.
4. That FAA constructs curb, gutter, and sidewalk 20 feet from the centerline on the west side of Roseberry Avenue from Florence Avenue to the end of the proposed cul-de-sac (approximately 640 feet).
5. That FAA constructs curb, gutter, and sidewalk 18 feet from the centerline on the east side of Roseberry Avenue from Florence Avenue to the end of the proposed cul-de-sac (approximately 640 feet).
6. That existing structures located westerly of the proposed vacation area

(Roseberry Avenue) be demolished prior to cutting off vehicular access and that existing fire hydrants be relocated to the satisfaction of the County of Los Angeles Fire Department.

7. That the developer obtains a permit from Public Works Construction Division for any grading over the storm drain lying within Roseberry Avenue and for changes to existing drainage facilities maintained by the Flood Control District. Any storm drain facilities within the proposed regional shopping center shall be operated and maintained by the present and future owner of the shopping center.

The Public Streets, Highways, and Service Easement Vacation Law allows your Board to relinquish the County's interest and terminate the public's right over County rights of way. Adoption by your Board of the Resolution to Conditionally Vacate with Reservations, subject to the above conditions, will terminate the rights of the public to the vacated areas. Your action will also result in the properties being unencumbered by the public easement, thereby allowing the underlying fee owners to exercise their reversionary rights over the vacated areas.

ENVIRONMENTAL DOCUMENTATION

This proposed vacation is categorically exempt from CEQA as specified in Sections 15301, 15304, 15305, and 15321 of State CEQA Statutes and Guidelines and as specified in Classes 1, 4, 5, and 21 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, Synopsis 57.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The County of Los Angeles Fire Department has determined that no fire protection facilities will be affected by the proposed vacation. The County of Los Angeles Regional Planning Commission has determined that the proposed vacation is not in conflict with the County adopted General Plan. The County of Los Angeles Departments of Parks and Recreation and Regional Planning have determined that the rights of way are not needed for bicycle paths and trails. Existing easement rights for utility facilities will be reserved to Southern California Edison Company, Southern California Gas Company, Southern California Water Company, Comcast, and Pacific Bell Telephone Co. (dba SBC), as well as an easement for sanitary sewer purposes to the County of Los Angeles and for covered storm drain and appurtenant structures and for ingress and egress purposes to the Los Angeles County Flood Control District.

The Honorable Board of Supervisors
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CONCLUSION

This action is in the County's best interest. Enclosed is a Resolution to Conditionally Vacate with Reservations, approved as to form by County Counsel, vacating a portion of Roseberry Avenue, a portion of Alley east of Cottage Street and Alley east of Alameda Street. Upon adoption of the Resolution to Conditionally Vacate with Reservations, please return one executed original to Public Works, together with two conformed copies and a copy of the Board's minute order, for further processing. Upon applicant's compliance with the above-mentioned conditions, we will record the Resolution to Conditionally Vacate with Reservations and return the executed original Resolution to you when recorded. In the interim, please retain one executed original for your files.

One adopted copy of this letter is requested.

Respectfully submitted,

DONALD L. WOLFE
Director of Public Works

JLS:psr
P5:\BD LTR ROSEBERRY AVE WALNUT PK

Enc.

cc: Chief Administrative Officer
County Counsel

RESOLUTION TO CONDITIONALLY VACATE WITH RESERVATIONS

WHEREAS, the Board of Supervisors of the County of Los Angeles, State of California, has hereby found and determined that a portion of Roseberry Avenue, a portion of Alley east of Cottage Street and Alley east of Alameda Street in the vicinity of Walnut Park in the County of Los Angeles, State of California, legally described in Exhibit A and shown by map in Exhibit B, both attached to said Resolution; pursuant to Chapter 3, Part 3, Division 9, of the Streets and Highways Code, State of California, commencing with Section 8320; and

WHEREAS, notice of proposed vacation has been given by publication and by posting; and

WHEREAS, said Board of Supervisors held a public hearing on said proposed vacation _____, 20____; and

WHEREAS, said Board of Supervisors has found and determined that the areas to be vacated are no longer necessary for present or prospective public use based upon the following facts:

That the subject rights of way are not required for general public access or circulation and are not useful as non-motorized transportation facilities; and

WHEREAS, the vacation is conditioned upon the applicant complying with the following:

1. That Florence Alameda Associates, LLC (FAA), the underlying fee owner, dedicates sufficient right of way to construct to the satisfaction of the Director of Public Works the following:
 - a. Curb returns at the intersection of Florence Avenue with Roseberry Avenue.
 - b. A knuckle at the intersection of Roseberry Avenue with Walter Street.
 - c. A cul-de-sac at the southerly terminus of Roseberry Avenue.
 - d. A cul-de-sac at the westerly terminus of Leota Street.
2. That FAA dedicates 3 feet of right of way on the west side of Roseberry Avenue (28 feet from the center line), from Florence Avenue to the end of the proposed cul-de-sac (approximately 640 feet).
3. That FAA repairs and constructs curbs, gutters, and sidewalks to County standards damaged during construction.

4. That FAA constructs curb, gutter, and sidewalk 20 feet from the center line on the west side of Roseberry Avenue from Florence Avenue to the end of the proposed cul-de-sac (approximately 640 feet).
5. That FAA constructs curb, gutter, and sidewalk 18 feet from the center line on the east side of Roseberry Avenue from Florence Avenue to the end of the proposed cul-de-sac (approximately 640 feet).
6. That existing structures located westerly of the proposed vacation area (Roseberry Avenue) be demolished prior to cutting off vehicular access and that existing fire hydrants be relocated to the satisfaction of the County of Los Angeles Fire Department.
7. The developer obtains a permit from Public Works Construction Division for any grading over the storm drain area and for changes to existing drainage facilities. Any existing storm drain facilities within the proposed regional shopping center shall be operated and maintained by the present and future owner of the shopping center.

The above conditions must be successfully met to the satisfaction of the County of Los Angeles Department of Public Works within one year of the approval date by the Board or the vacation will terminate and become null and void.

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors of the County of Los Angeles, State of California, that the above-referenced rights of way are hereby conditionally vacated pursuant to Chapter 3, Part 3, Division 9, of the Streets and Highways Code, State of California, commencing with Section 8320; reserving and excepting therefrom easements and rights for utility facilities owned by Southern California Edison Company, Southern California Gas Company, Southern California Water Company, Comcast, and Pacific Bell Telephone Company (dba SBC), easement for sanitary sewer purposes to the County of Los Angeles, and for covered storm drain and appurtenant structures, and ingress and egress purposes to the Los Angeles County Flood Control District, as set forth in Section 8340 and 8341 of said Streets and Highways Code.

AND BE IT FURTHER RESOLVED that the Department of Public Works be authorized to record the original Resolution in the Registrar-Recorder/County Clerk's office, at which time the areas vacated will no longer be County highways.

The foregoing Resolution was on the _____ day of _____, 20____, adopted by the Board of Supervisors of the County of Los Angeles, State of California.

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.,
County Counsel

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

By _____
Deputy

JLS:psr
P5:\RESOLUTION ROSEBERRY AVE

EXHIBIT A

Roseberry Avenue,
Alley e/o Cottage Street and
Alley e/o Alameda Street
A.M.B. 6025-026,030 and 034
T.G. 674-H7 & 704-H1
I.M. 099-217
S.D. 1
Job No. M0588116

Legal Description

PARCEL 1: (ROSEBERRY AVENUE)

Part A:

Those portions of ROSEBERRY AVENUE, 55 feet wide and variable width, in the unincorporated territory of the County of Los Angeles, State of California, as shown on and dedicated to the public use, by map of WALTER A. NADEAU TRACT, recorded in Book 10, page 188, of Maps, and described as Part (d) and Part (f) in Road Deed to said county for public road and highway purposes, recorded on May 20, 1988, as Document No. 88-810504, of said Official Records, in the Registrar-Recorder/County Clerk's Office of said county, lying northerly of the following described line:

Beginning at a point on the southerly line of Lot 50 of said tract, said point being 5.00 feet westerly, measured at right angles from the easterly line of said last mentioned lot; thence parallel with said easterly line of said last mentioned lot, North 00°36'00" West 77.38 feet; thence North 13°26'00" West 28.37 feet to the beginning of a tangent curve concave to the southeast and having a radius of 68.00 feet; thence northeasterly along said curve through a central angle of 106°06'01" an arc distance of 125.92 feet to its intersection with the easterly line of that certain land described as Part (f) in said Road Deed to said county.

Part B:

That portion of ROSEBERRY AVENUE, 50 feet wide, in the above mentioned unincorporated territory, as dedicated in Deeds recorded on April 17, 1936, as Document No. 1186, in Book 14105, Page 99; as Document No. 1187, in Book 14031, page 304; as Document No. 1188, in Book 14024, page 332; as Document No. 1189, in Book 14114, page 61; as Document No. 1190, in Book 14084, page 142; as Document No. 1191, in Book 14072, page 208; and July 26, 1982 as Document No. 82-749355 and as shown on and dedicated for public street purposes by map of GEO J. NADEAU TRACT, recorded in Book 7, page 73 of Maps, in said Registrar-Recorder/County Clerk's office, lying northerly of the easterly prolongation of the northerly line of Lot 57, of said WALTER A. NADEAU Tract.

EXCEPTING therefrom that portion of said Roseberry Avenue lying northerly of the following described line;

Commencing at northeasterly corner of Lot 3 of the REM NADEAU TRACT NO. 2, as shown on map recorded in Book 8, page 19, of Maps, in said Registrar-Recorder/County Clerk's office; thence westerly along the northerly line of said lot 3, South 89°33'36" West, 27.93 feet to the TRUE POINT BEGINNING, said point being the beginning of a curve, concave to the southwest having a radius of 25.00 feet, a radial line of said curve to said point bears North 00°26'24" West; thence southeasterly along said curve through a central angle of 89°50'24" an arc distance of 39.20 feet to a line parallel with and 28.00 feet westerly, measured at the right angles from the center line of Roseberry Avenue, 50 feet wide, as shown on said tract; thence southerly along said parallel line, South 00°36'00" East, 636.39 feet to the beginning of a tangent curve concave to the west and having a radius of 92.00 feet; thence southerly along said last mentioned curve through a central angle of 21°09'53" an arc distance of 33.98 feet; thence South 20°33'53" West 47.35 feet to the beginning of a tangent curve concave to the north and having a radius of 40.00 feet; thence easterly along said last mentioned curve through a central angle of 188°19'34" an arc distance of 131.48 feet to the easterly line of said Roseberry Avenue.

PARCEL 2: (ALLEY)

Part A:

That portion of that certain ALLEY, 15 feet wide, in the above mentioned unincorporated territory, as shown on and dedicated to the public use by map of REM NADEAU TRACT recorded in Book 6, page 71, of Maps, in said Registrar-Recorder/County Clerk's office, lying southerly of and adjoining Lots 26 and 27, of said tract.

Part B:

That portion of that certain ALLEY, 15 feet wide, in the above mentioned unincorporated territory, as shown on and dedicated to the public use by map of REM NADEAU TRACT NO. 2 recorded in Book 8, page 19, of Maps, in said Registrar-Recorder/County Clerk's office, lying southerly of and adjoining Lots 1, 2 and 3, of said tract.

EXCEPTING therefrom the easterly 3 feet .

Part C:

That portion of that certain ALLEY, 5 feet wide, in the above mentioned unincorporated territory, as shown on and dedicated to the public use by map of Tract No. 30326 filed in Book 819, pages 41 and 42, of Maps, in said Registrar-Recorder/County Clerk's office lying easterly of the southerly prolongation of the westerly side line of Lot 26, of said REM NADEAU TRACT.

EXCEPTING therefrom the easterly 3 feet.

Part D:

That portion of that certain ALLEY, 7.5 feet wide, described in Road Deed to said county, for public road and highway purposes, recorded on July 26, 1982, as Document No. 82-749355, of Official Records, in said Registrar-Recorder/County Clerk's office.

PARCEL 3: (ALLEY)

That certain ALLEY, 12 feet wide, in the above mentioned unincorporated territory, as shown on and dedicated to the public use by map of said WALTER A. NADEAU TRACT, lying northerly of and adjoining Lots 28 and 29, of said tract

EXCEPTING therefrom the easterly 5 feet.

RESERVING to the Los Angeles County Flood Control District an easement for covered storm drain, appurtenant structures and ingress and egress purposes in, on, over, and across the above-described portion of Roseberry Avenue and portion of Alley east of Cottage Street herein being vacated.

Also RESERVING to the Los Angeles County, an easement for sanitary sewer purposes in, on, over, and across the above described portion of Roseberry Avenue and portion of Alley east of Cottage Street herein being vacated.

Also RESERVING easements and rights for utility facilities owned by Southern California Edison Company, Southern California Gas Company, Southern California Water Company, Comcast, and Pacific Bell Telephone Company (DBA SBC) in, on, and across the above-described portion of Roseberry Avenue and portion of Alley east of Cottage Street herein being vacated.

The reservations herein being made are done in accordance with the provisions of Sections 8340 and 8341 of the Streets and Highways Code, State of California.

Total Area: 57,040"square feet

Description Approved
_____, 20____
DONALD L. WOLFE
Director of Public Works

By _____
Land Surveyor

Mapping & Property Management Division